



## Regular Research Article

# Characteristics of Older Adult First-Time Sex Offenders: Insights From the Missouri Registry

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## ABSTRACT

**Objective:** To explore the characteristics of older adult first-time sex offenders (who offended for the first time at the age of 65 years or above). **Design:** The authors retrieved and analyzed data from the publicly available Missouri sex offender registry database up to December 2018 and the Missouri public case management system website. **Participants:** Registered older ( $\geq 65$  years) sex offenders in the state of Missouri, United States. **Measurements:** Sociodemographic characteristics of the offender, offense type(s), offense, and conviction dates; age and sex of the victim(s); and case disposition information (whether the trial was waived or not and what were the sentences imposed). **Results:** One hundred and ninety-four older adult sex offenders all males were identified, of which 172 were first-time offenders. The majority were white; the median age of offense was 68.6 years old. One hundred and thirty-nine (80.8%) first-time offenders were convicted strictly of non-pornography offenses, with prepubescent girls the predominant victim pool. The most prevalent charge in this subgroup was Child Molestation, First Degree (36.5%). Twenty-eight (16.3%) offenders were convicted strictly of pornography offenses, the most prevalent one being Possession of Child Pornography (96.6%). The recidivism rate among first-time offenders was close to 1%. **Conclusion:** A substantial proportion of older registered sex offenders are first-time sex offenders and most of them have underage victims. Although the offense and recidivism rates seem to be low, future longitudinal studies should focus on the predictors of sexual offending in the older population, in order to design targeted preventive measures, risk assessment, and treatment options. (Am J Geriatr Psychiatry 2021; 29:230–238)

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## INTRODUCTION

Sexual violence is defined as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.”<sup>1</sup> Data regarding sexual violence typically come from police records, clinical settings, and community surveys but it is widely believed to be an underestimation of the magnitude of the problem.<sup>1</sup> It is estimated that one American is sexually assaulted every 73 seconds; however, out of 1,000 perpetrators of sexual assaults, only 5 will be convicted in court.<sup>2</sup>

Victims of sexual violence are at risk to have unwanted pregnancies, sustain physical injuries, acquire sexually transmitted infections, and develop mental disorders, including suicidal behavior.<sup>1</sup> Additionally, there is widespread concern and fear in the general public regarding the risk presented by sex offenders, particularly the risk of reoffending.<sup>3,4</sup> Accordingly, United States (US) federal and state legislature passed several laws in the 1990s (the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and Megan’s Law) mandating sex offender registration and community notification policies.<sup>5</sup> The 2006 Adam Walsh Child Protection and Safety Act classified sex offenders according to three tiers depending on their offenses; it also put in motion the creation of an Internet-based, publicly available national sex offender registry database.<sup>5</sup> Sex offender registries are available in all 50 US states and the District of Columbia, with an estimated 920,000 registrants as of December 2019.<sup>2</sup>

The State of Missouri established its sex offender registration program in January 1995. It mandates all convicted sex offenders to register in the state irrespective of whether they committed their offense within the state or out-of-state.<sup>6</sup> Sex offenders are classified according to a three-tier system depending on the type and severity of their offenses (refer to [Supplemental Table 1](#)).<sup>6</sup> Certain offenders can petition the courts to have their names removed from the registry if they fulfill certain stringent criteria and conditions.<sup>6</sup>

Research on sex offending has established that the age distribution of offenders is bimodal, with the first

peak happening at around age 13 and the second occurring around the second half of the thirties.<sup>7</sup> Although arrestees aged 65 years or older constitute less than 1% of the total number of arrestees in the United States,<sup>8</sup> sex crimes seem to account for a substantial proportion of crimes committed by this population. One study found that, in the United States, around 8% of sex offenses and 4% of forcible rape offenses were committed by older arrestees.<sup>9</sup> Additionally, around 5% of non-institutionalized US residents aged 65 years or older reported being arrested over the past year for a serious violent offense, including rape.<sup>10</sup> In Sweden and in the United Kingdom, close to one-quarter of the crimes perpetrated by inmates aged 60 years or older were sex crimes.<sup>11,12</sup>

With population aging, the proportion of older sex offenders is increasing.<sup>13</sup> Despite these findings, there is limited research about older sex offenders, especially first-time offenders, i.e., individuals who commit their first sex crime at an older age. A recent systematic review identified seven publications analyzing a total of 26 first-time offenders; it found that a high proportion of those had neurocognitive disorders and targeted vulnerable individuals such as children and elderly.<sup>14,15</sup> These findings are in line with prior research documenting that sex offenses against minors are highly prevalent among older sex offenders.<sup>16</sup> Chua et al. also found a wide array of documented offenses, ranging from rape and incest to lewd remarks.<sup>14</sup> In his thesis, Marshall examined the characteristics of 172 sex offenders aged 60 years or older in a federal induction facility in Ontario, Canada. The author found that first-time offenders (30% of the total sample) predominantly offended against prepubescent females (aged 13 years or younger). Additionally, first-time offenders had overall lower scores on the Psychopathy Checklist-Revised compared to individuals with prior convictions.<sup>17</sup>

As for the risk of recidivism among older sex offenders, the data are conflicting. While it is generally believed that recidivism decreases with age upon release, there is a subgroup of older sex offenders with a prior criminal history who are more likely to recidivate and persist in their offending. The inconsistency might stem from having heterogeneous populations analyzed in different studies, with no clear consensus with regard to a universal age cutoff to define older adults.<sup>16</sup> Data on recidivism rates in older first-time sex offender are lacking.

Prior research has identified subgroups of sex offenders with distinguishable features. Child pornography-only offenders seem to have different characteristics than nonpornography offenders against minors and mixed offenders (who have pornography and nonpornography offenses). Indeed, pornography-only offenders seem to have a shorter criminal history, a better level of functioning and lower rates of antisocial features than the other two subgroups.<sup>18,19</sup> Furthermore, pornography-only offenders seem to have a lower recidivism risk as they have greater self-control and mixed offenders appear to be at a higher risk for recidivism.<sup>18</sup> To our knowledge, it has not been explored yet whether older adult sex offenders have different characteristics based on the nature of their offenses.

In our present study, we aim to analyze the characteristics of older first-time sex offenders and explore whether pornography-only offenders differ from non-pornography and mixed offenders. We chose the Missouri sex offender registry database as our sample source. We selected the cutoff of 65 years of age at the time of the offense because it is the retirement age in the state of Missouri, and retirees might have a different profile and risk factors to offend compared to employed individuals. Although our study is exploratory, it can provide valuable information as to the sociodemographic and offense characteristics as well as the recidivism risk among first-time older sex offenders. This can potentially help design targeted risk assessment tools that can better predict future dangerousness and recidivism risk in this population.

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## METHODS

### Data Source

We accessed the Missouri State Highway Patrol Sex Offender Registry website<sup>20</sup> and we downloaded the publicly available registry file in February 2019. The file included all sex offenders within the state of Missouri who have been convicted with a sexual offense and had to register as sex offenders. The file contained information about the sociodemographic characteristics of each individual, as well as their offense and conviction dates; furthermore, it had the age and sex of the victim(s) of each offense. We also accessed the publicly available Missouri judicial case

database “casenet”<sup>21</sup> to look up case disposition information when available. Institutional Review Board approval was waived.

### Selection Criteria

We included all individuals who committed a sexual offense at the age of 65 years or older, and who have been convicted by December 31, 2018. We excluded those who committed their offenses and were adjudicated outside the state of Missouri.

### Measures

We assigned a unique identification number for each offender and grouped offense counts according to offense date, conviction date, and per offender. We coded each offense per the Revised Statutes of Missouri.<sup>22</sup> We then classified as “First-Time Offenders” all individuals whose first documented offense and conviction occurred when they were 65 years of age or older. To address our study’s objective, we classified first-time offenders as follows: pornography-only offenders who committed strictly child pornography offenses; non-pornography offenders who only committed other types of sexual offenses; and mixed offenders who committed both child pornography and non-pornography offenses.

We retrieved the following sociodemographic variables for each offender: age at each offense, age at conviction, sex, and race. We also retrieved the age and sex of the victims in each offense. We categorized the victims’ age based on the type of offense and the victim age cutoff used by the Diagnostic and Statistical Manual of Mental Disorders to diagnose pedophilic disorder.<sup>23</sup> For pornography and related offenses, we used the following categories: prepubescent (13 years old or younger) and pubescent minor (14 through 17 years old). Missouri statutes specify in child pornography offenses, the age cutoff is less than 18 years of age. For all other offenses, we categorized victim age as follows: prepubescent (13 years old or younger), pubescent minor (14 through 16 years old), and adult (17 years of age or older). Missouri law considers 17 to be the age of consent.<sup>24</sup> Additionally, we retrieved the tier classification for each offender, as mentioned in the database.

Lastly, we used the Missouri “casenet” website, to obtain case disposition information when available;

this included whether the trial was waived or not and what were the sentences imposed.

### Analysis Plan

We conducted our exploratory analyses using the Statistical Package for Social Sciences version 21. We ran descriptive statistics for all our variables for the total sample and for the first-time offender sample. We then ran bivariate analyses to identify correlates distinguishing pornography-only offenders from non-pornography offenders; we excluded mixed offenders from these analyses because of low sample size. We had initially planned to conduct bivariate analyses and regression analyses to identify significant correlates for first-time offenders; however, because of the small sample size, we kept our analyses descriptive and exploratory.

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## RESULTS

### Total Sample Characteristics

Based on our eligibility criteria, we found 194 all male older adult sex offenders who committed 375 offenses at the age of 65 years or above. They constituted around 1.3% of the total number of registered sex offenders in Missouri at the time of retrieval of the database. The offending age ranged between 65 and 84 years. The most frequent offense was Child Molestation, First Degree (25.3%), followed by Possession of Child Pornography (16.0%) and Statutory Sodomy, Second Degree (9.3%). Almost a third of offenders were convicted of Child Molestation, First Degree and around 15% of offenders were convicted of Possession of Child Pornography.

First-time offenders constituted the large majority of older offenders (N = 172; 88.7%). Sixteen older offenders had a history of convictions for sex offenses at a younger age. The remaining six offenders had a history of sex offenses at a younger age but were only convicted when they passed the age of 65.

### Characteristics of First-Time Offenders

As detailed in [Figure 1](#), first-time offenders in our sample committed a total of 334 offenses: 331 offenses led to first convictions and 3 led to second convictions

of three recidivists. The median age of offense was 68.6 [interquartile range = (67.0–70.6)]. The median age of first conviction was 71.0 (68.9–74.0). More than 90% of first-time offenders had underage victims and around 78% of them had exclusively female victims.

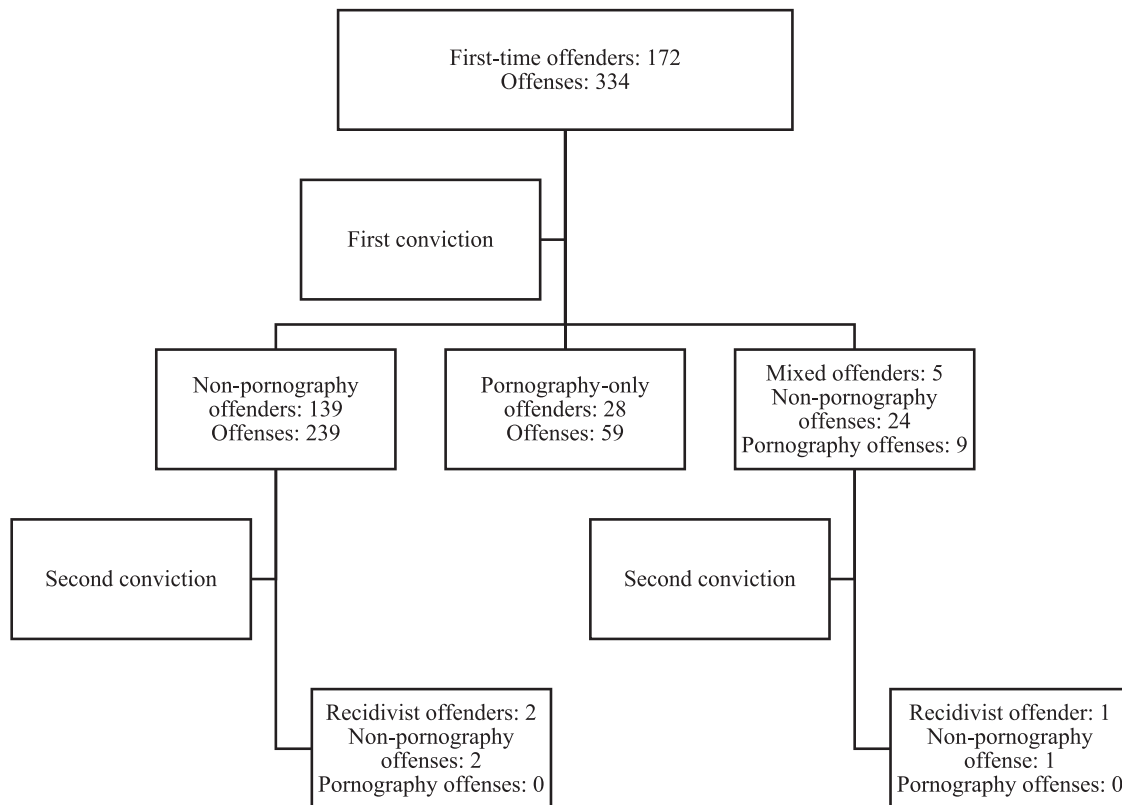
One hundred and thirty-nine (80.8%) first-time offenders were convicted strictly of non-pornography offenses. The most prevalent charge was Child Molestation, First Degree (36.5%). Twenty-eight (16.3%) offenders were convicted strictly of pornography offenses, the most prevalent one being Possession of Child Pornography (96.6%). Our sample only had five (2.9%) mixed offenders who were convicted of 24 non-pornography offenses and 9 pornography offenses.

As detailed in [Table 1](#), around three-quarters of offenders, regardless of category, committed their offenses that led to their first convictions toward their late 60s to early 70s. Around 96% of them were white. Close to 75% of pornography-only offenders were classified as Tier I whereas 75% of non-pornography offenders were classified as Tier III. One hundred and twenty-three (88.5%) non-pornography offenders and 4 (80.0%) mixed offenders had exclusively underage victims.

More than two-thirds of non-pornography offenders had exclusively prepubescent victims, with the overwhelming majority being female prepubescent victims. Further details are available in [Table 2](#). Almost half of pornography-only offenders had a non-exclusive type of victims, i.e., male and female, prepubescent and pubescent victims. More information is available in [Table 3](#). After comparing pornography-only and non-pornography offenders (with strictly underage victims), we found that non-pornography offenders were significantly more likely to have exclusively female (86.2% versus 39.3%; Pearson  $\chi^2 = 28.75$ ;  $p < 0.001$ ) and exclusively prepubescent (78.0% versus 17.9%; Pearson  $\chi^2 = 37.31$ ;  $p < 0.001$ ) victims.

Out of the 172 first-time offenders, only 3 (2 non-pornography and 1 mixed offenders) recidivated with a sexual offense. All three had initial offenses against underage female victims leading to first convictions. Recidivating offenses involved a prepubescent female in one case (Sexual Misconduct, First Degree), an adult male victim in the second case (Deviate Sexual Assault). The mixed offender's

FIGURE 1. Diagram of offenses for first-time older adult sex offenders registered in Missouri up to December 2018.



recidivating offense involved an adult woman and led to a conviction of Sexual Misconduct, Third Degree. The recidivism rate among first-time offenders was therefore 1.3%. All three recidivated within 4 years of completing their initial sentences.

We were able to obtain information regarding the judgments entered for the cases of 138 first-time offenders. A substantial majority of them (87.0%) waived their right to a trial. Close to 60% of them were sentenced to probation with a suspended execution of sentence. We were not able to compare dispositions between offender subgroups because of missing data primarily among pornography-only offenders.

## DISCUSSION

To the best of our knowledge, our study is the first to evaluate the characteristics of a large sample of

older adult first-time sex offenders. We found that the majority offended between their late 60s and early 70s. Additionally, most first-time offenders committed non-pornography offenses, with prepubescent girls the most prevalent victim pool. Pornography-only offenders accounted for almost 20% of the sample. This subgroup predominantly had victims with diverse age and sex characteristics. The recidivism rate was noticeably low, with all three re-convictions occurring within 4 years of the first.

Contrary to previous findings,<sup>16</sup> an overwhelming majority of our older sex-offender population were first-time offenders, i.e., do not have a prior sex offense history. It is possible that our sample included individuals who developed neurocognitive disorders, which is a known risk factor to developing de novo problematic sexual behaviors.<sup>14</sup> Indeed, vascular dementia, Alzheimer’s disease, and frontotemporal dementia are associated with behavioral and sexual disinhibition.<sup>25</sup>

TABLE 1. Older Adult First-Time Sex Offender Characteristics

Characteristic	First-Time Offenders (N = 172)		
	Non-pornography Offenders [N = 139; (80.8%)] Median (IQR)	Pornography-Only Offenders [N = 28; (16.3%)] Median (IQR)	Mixed Offenders [N = 5 (2.9%)] Median (IQR)
Age at earliest offense(s) leading to first conviction	69.0 (67.0–72.3)	68.6 (66.8–70.3)	67.2 (66.1–71.0)
Age at first conviction	71.0 (69.0–74.6)	70.8 (68.2–72.9)	71.1 (68.0–78.2)
	N (Percent)	N (Percent)	N (Percent)
<i>Race</i>			
White	134 (96.4%)	27 (96.4%)	7 (80.0%)
Black	4 (2.9%)	1 (3.4%)	1 (20.0%)
Asian	1 (0.7%)	-	-
<i>Tier</i>			
I	19 (13.7%)	21 (75.0%)	-
II	17 (12.2%)	2 (7.1%)	-
III	103 (74.1%)	5 (17.9%)	5 (100%)
<i>Counts</i>			
One	95 (68.3%)	17 (60.7%)	-
Multiple	44 (31.7%)	11 (39.3%)	5 (100%)
<i>Victim category</i>			
Underage	123 (88.5%)	28 (100%)	4 (80.0%)
Adult	15 (10.8%)	-	-
Both	1 (0.7%)	-	1 (20.0%)
<i>Victim gender</i>			
Female	120 (86.3%)	11 (39.3%)	3 (60.0%)
Male	15 (10.8%)	4 (14.3%)	1 (20.0%)
Both	4 (2.9%)	13 (46.4%)	1 (20.0%)

N: sample size; IQR: interquartile range.

Almost four out of five first-time offenders were charged and convicted of non-pornography sex offenses; more than two-thirds of them had only prepubescent victims. Child Molestation, First Degree was the most prevalent conviction in this subgroup. Compared to pornography-only offenders, we found that non-pornography offenders with strictly minor victims were significantly more likely to have exclusively female and exclusively prepubescent victims. These findings are consistent with the literature:<sup>17</sup> minors are at risk of being targeted because they are vulnerable and are less likely to report the offenses.<sup>26</sup> Conversely, the offense of Possession of Child

Pornography was highly prevalent in our sample. This is in line with previous research: close to a quarter of all federal child pornography offenses were committed by individuals older than 50 years of age.<sup>27</sup> Our results also show that mixed offenders are rare among older sex offenders; mixed offenders have been shown in earlier research to be a distinct subgroup, with higher antisocial traits than pornography-only offenders.<sup>18,27</sup>

The recidivism rate among first-time offenders was estimated at around 1%, further supporting the notion that risk of recidivism decreases with age.<sup>13,28</sup> However, we argue that our calculation for the

TABLE 2. Sample Size (Percent) of Non-pornography First-Time Offenders' Victims, by Age Category and Sex

Victims	Female	Male	Female and Male	Total
Prepubescent	83 (59.7%)	10 (7.2%)	3 (2.2%)	96 (69.1%)
Pubescent	21 (15.1%)	3 (2.2%)	-	24 (17.3%)
Prepubescent and pubescent	2 (1.4%)	1 (0.7%)	-	3 (2.2%)
Adult	14 (10.1%)	1 (0.7%)	-	15 (10.8%)
Adult and prepubescent	-	-	1 (0.7%)	1 (0.7%)
Total	120 (86.3%)	15 (10.8%)	4 (2.9%)	139 (100.0%)

Prepubescent: age <14 years; Pubescent: age ranges between 14 and 16 years; Adult: age >16 years.

**TABLE 3. Sample Size (Percent) of Pornography-Only First-Time Offenders' Victims, by Age Category and Sex**

Victims	Female	Male	Female and Male	Total
Prepubescent	4 (14.3%)	1 (3.6%)	-	5 (17.9%)
Pubescent	1 (3.6%)	1 (3.6%)	-	2 (7.1%)
Prepubescent and pubescent	6 (21.4%)	2 (7.1%)	13 (46.4%)	21 (75.0%)
Total	11 (39.3%)	4 (14.3%)	13 (46.4%)	28 (100.0%)

Prepubescent: age <14 years; Pubescent: age ranges between 14 and 17 years.

recidivism rate among older sex offenders is more reflective of the true risk within this population. Unlike previous studies which classified their samples based upon the age at release from custody,<sup>7</sup> our study used the age at first offense to define the sample. In our study, mixed offenders had the highest rate of recidivism (one out of five) and none of the pornography-only offenders recidivated. While this is in line with prior research suggesting that mixed offenders are a high-risk group and pornography-only offenders have a comparatively lower rate of recidivism,<sup>18</sup> our limited sample size precludes making strong conclusions regarding recidivism risk.

Moreover, we found a relatively high proportion of first-time older sex offenders who chose to go to trial to defend themselves (13%). The United States Sentencing Commission found a similar rate among federal sex offenders.<sup>27</sup> First-time sex offenders in our population were also more likely to be sentenced to probation. This is not surprising, given that sentencing was more lenient for defendants in their 60s and 70s compared to younger counterparts: older defendants were less likely to be incarcerated and, if sentenced to jail or prison, their sentences tended to be shorter on average.<sup>29</sup>

Our study has several strengths. It included a large sample size of older first-time sex offenders and provided much-needed insights into some characteristics of this population. Additionally, our results are likely to be more representative of the US population since most studies targeting older sex offenders have non-US samples. However, our study also has multiple limitations. First, while it indeed has a relatively large sample, it was nonetheless too small to conduct comparative statistical analyses. Second, our study was cross-sectional, in that our sample included registered sex offenders who were alive and included in the dataset at the time of retrieval. It is almost certain that the total number of older sex offenders who were convicted in Missouri between December 1993 and November 2018 is much higher and might have

included female older offenders. Studies have shown that female sex offenders have a different risk profile to their male counterparts.<sup>30</sup> Furthermore, our sample is not racially and ethnically diverse, as more than 95% of the sample is white. Additionally, sexual aggression among older adults frequently occurs in long-term care settings. It is often part of the Behavioral and Psychological Symptoms of Dementias targeted toward staff members or fellow nursing home residents.<sup>31</sup> Although the US Government Accountability Office identified 700 registered sex offenders living in nursing homes in 2005,<sup>32</sup> this number is considered an underestimation of the true prevalence of sexual offenses in these settings. Most inappropriate sexual behaviors in long-term care settings are not reported to the police because of legal and ethical implications.<sup>33</sup> These caveats limit the generalizability and representativeness of our sample. Third, our dataset lacked important and relevant information with regards to constructing a sexual offending risk assessment of older sex offenders. Our dataset did not include socioeconomic data, mental health measurements, and non-sexual legal history. Low socioeconomic status, social isolation, and a history of a psychiatric disorder (psychosis, mood disorders, neurocognitive disorders, and substance use disorders) were all associated with an increased risk of sexual offending among older adults.<sup>11,16</sup> Moreover, there were no documented neuropsychological assessments in our dataset: executive dysfunction was shown to be associated with an increased risk of sex offending.<sup>15</sup> We also had no information about individuals' history of falls and subsequent traumatic brain injuries. Falls are the leading cause of traumatic brain injury in the older adult population<sup>34</sup> and are thus implicated in the emergence of problematic sexual behaviors.<sup>35</sup> Additionally, the dataset did not mention the nature of the relationship between the offender and his victims, which is also known to be a relevant factor in a risk assessment.<sup>7</sup> Finally, we were not able to access case dispositions for all our sample.

In conclusion, our study shows that a substantial proportion of older registered sex offenders are first-time sex offenders and mostly have underage victims. Nearly one out of five older offenders had pornography offenses. Non-pornography offenders with strictly minor victims were more likely to have exclusively prepubescent and exclusively female victims than pornography-only offenders. Although the offense and recidivism rates seem to be low, future longitudinal studies should focus on the predictors of sexual offending in the older population, in order to design targeted preventive measures, risk assessment, and treatment options.

### AUTHOR CONTRIBUTIONS

EG designed the study and worked on data analysis and interpretation. He also worked on drafting the

manuscript and revising it. RK contributed to the interpretation of data, drafting the manuscript, and revising it critically. Both authors approved the final version of the manuscript.

### DISCLOSURE

*The authors report no conflicts with any product mentioned or concept discussed in this article.*

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### SUPPLEMENTARY MATERIALS

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